

REMARKS/ARGUMENTS

Claims 1-26 are pending. Claims 7-9, 12-15, and 22-26 were indicated to be allowable in subject matter.

Claim 1 was objected to because of insufficient antecedent basis for “the beam emitter and/or receiver”. Applicant has amended Claim 1 to address the objection.

Claims 1-6, 10, 11, and 16-21 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2004/0020255 to Kilian et al.

Applicant sincerely appreciates the indication of allowable subject matter in Claims 7-9, 12-15, and 22-26.

Response to Rejections

With regard to the rejections, Applicant respectfully submits that Kilian fails to anticipate any of the claims. The present claims are directed to a safety device for a manufacturing machine, in which a beam emitter and/or beam receiver is held by a retaining mechanism in a guiding arrangement so that it is movable between a working position and a park position. Claim 1 specifies that the park position is relatively farther from a working plane of the manufacturing machine than is the working position. The safety device includes a guiding and locking device that switches a locking element between a releasing position and a retaining position. Claim 1 requires that the retaining mechanism *automatically* switches the locking element to the retaining position and locks the beam emitter and/or beam receiver *in the park position* upon a linear displacement of the beam emitter and/or beam receiver in a direction away from the working plane to or past the park position.

Thus, as apparent from the claim language as well as the present specification, the switching of the locking element to the retaining position occurs automatically upon displacement to or past the park position—i.e., no other action except the displacement is needed

in order to switch the locking element to the retaining position.

The Office Action asserts that item **57** in Kilian is a retaining mechanism designed in the form of an adjusting mechanism **60**, and that items **58** and **62** comprise a guiding and locking device that switches the locking element **62** between a releasing position and a retaining position, and automatically switches the locking element **62** to the retaining position upon a linear displacement of the beam emitter and/or beam receiver in the direction away from the working plane to or past the park position (citing paragraph [0026] and claim 11).

Applicant respectfully believes Kilian has been misconstrued. Paragraphs [0026] and [0027] of Kilian describe the retaining mechanism for the beam emitter:

[0026] FIGS. 2 and 3 illustrate the retaining mechanism 51 for the beam emitter 47, for example, on the production machine 1. It consists of a retaining means 52 and an adjusting mechanism 53 connected to the latter. The retaining means 52 is placed in the groove-shaped tool holder device 35 projecting beyond an end face 54 of the press beam 16 and retained by means of a clamping mechanism 55. On an end region 56 projecting beyond the end face 54, the adjusting mechanism 51 is fixed in a sort of telescope arrangement 57. It consists of a square tube 58, which is attached via a side face 59 on the terminal face end of the retaining means, for example, and displaceably guided therein, an actuator element 60 non-displaceably connected to the beam emitter 47. A longitudinal mid-axis 61 of the telescope arrangement 57, in which direction the actuator element 60 is displaceable in the square tube 58, runs in a direction perpendicular to the supporting surface 43 of the press beam 16. A catch arrangement 62 acting between the square tube 58 and the actuator element 60 enables the actuator element 60 to be displaced in steps, thereby enabling a distance 63 to be set, from which the light beams 50 are displaced towards the supporting surface 43 opposite a bending edge 64 of the punch 41 for operating purposes. The distance 63 is prescribed by the relevant safety regulations governing the effective prevention of accidents and is a few millimetres.

[0027] The catch arrangement 62 has several basic positions, enabling a rapid adjustment corresponding to bending tools 41 of different standard heights.

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Furthermore, the catch arrangement 62 enables unhindered displacement of the actuator element 60 and hence the beam emitter 47—in the direction of arrow 65—in other words towards the working direction of the press beam 16. This ensures that if the beam emitter 47 is damaged if it comes into contact with an obstacle occurring during the bending process, e.g. as a result of workpieces projecting beyond the bending tool 41. Arranged between the tool holder device 35 and the retaining means 52 is a detection system 66, consisting of contact elements 67, 68 which can be brought into engagement, for example, and at least the contact element 67 arranged in the tool holder device 35 is wired to the machine control system 46 and the control device 49.

It thus appears that the catch arrangement **62** is designed to allow displacement in only one direction, away from the working plane, and is adjustable to different heights. There is nothing in Kilian indicating that the catch arrangement **62** automatically locks in a park position when moved to or past the park position, as claimed.

Thus, Kilian lacks any locking mechanism as claimed.

For at least these reasons, Claim 1 is not anticipated by Kilian. Accordingly, none of the claims is anticipated by Kilian.

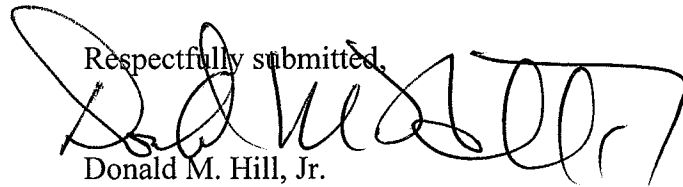
Conclusion

Based on the above amendments and remarks, it is respectfully submitted that the application is in condition for allowance.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald M. Hill, Jr.", written over the phrase "Respectfully submitted,".

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ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON APRIL 23, 2008.